

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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K.S. on Behalf of Herself and Her Minor Child, D.S.,

Plaintiff(s),

-against-

THE CITY OF NEW YORK, ST. VINCENT’S SERVICES, INC., HEARTSHARE HUMAN SERVICES OF NEW YORK, HEARTSHARE ST. VINCENT’S SERVICES, THE ADMINISTRATION FOR CHILDREN’S SERVICES, COMMISSIONER DAVID HANSELL, In His Official Capacity, JOHN OLUFEMI, ST. VINCENT’S ROSALYN CHERNOFSKY, LYDIA KING, DAWN SAFFAYEH, NEW YORK CITY DEPARTMENT OF EDUCATION, NEW YORK CITY BOARD OF EDUCATION, CHANCELLOR MEISHA PORTER, In her Official Capacity, TYANDA SMITH, PAUL FRANKEL, VIOLA WRIGHT, ELISSA GROSSINGER, BLANCA CORREA, DIANA JEFFREY, JOHN OLUFMI, LYSCHER WILKERSON, HILDA ST. CATHERINE, HOWARD BISHOP, KENDRA MULZAC, MELODY CENTENO, KATELYN CHAPPELL, ANIKA TILLERY, AMANDA RILEY, NICHOLE EDWARDS, KEISHA WALKER, and TANISHA TABB,

Defendants.

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**NOTICE OF CITY
DEFENDANTS’
MOTION TO
PARTIALLY DISMISS
PLAINTIFF’S
SECOND AMENDED
COMPLAINT**

21-cv-04649 (PAC)

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law, dated June 22, 2023, and all the papers and proceedings heretofore had herein, Defendants, City of New York, the New York City Administration for Children’s Services (“ACS”), ACS Commissioner David Hansell, the New York City Department of Education (“DOE”), the New York City Board of Education (“BOE”), DOE Chancellor Meisha Porter, Paul Frankel, and Tyanda Smith (together, “City Defendants” or “the City”), by their attorney, Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, will move this Court, before the Honorable

Paul A. Crotty, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, on a date and time to be determined by the Court, for an Order granting their motion to partially dismiss Plaintiff's Second Amended Complaint and dismiss the claims asserted against Paul Frankel and Tyanda Smith, as well as Counts VI, VII, IX, and X, in their entirety and with prejudice, together with such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Court's Order dated May 8, 2023 (ECF No. 94), Plaintiff's opposition papers, if any, must be filed by July 24, 2023, and Defendants' reply, if any, must be filed by August 14, 2023.

Dated: June 22, 2023
New York, New York

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel
of the City of New York
Attorney for City Defendants
100 Church Street
New York, New York 10007
(212) 356-0896

By: /s/ Jacquelyn Dainow and /s/ Jay Cullen
Jacquelyn Dainow and Jay Cullen
Assistant Corporation Counsels

cc: All counsel of record via ECF